

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

Jessica Allen, individually and on behalf of
the Heirs at Law of Lacey Higdem,

Plaintiff,

vs.

Myles Brunelle, in his individual capacity;
April Azure, in her individual capacity;
Rolette County; Roy Cordy, MD; and
Presentation Medical Center,

Defendants.

Case No: 3:22-cv-00093-ARS

**DEFENDANT’S MEMORANDUM IN
SUPPORT OF MOTION FOR ORAL
ARGUMENT**

Pursuant to Local Rule 7.1(E), Defendants Roy Cordy, M.D. and Presentation Medical Center, respectfully requests the Court schedule oral argument on the Motion for Summary Judgment filed by April Azure, Myles Brunelle, and Rolette County (the “County Defendants”) on December 16, 2024. (Docket 75).

The County Defendants have requested that the voice of the Medical Defendants be silenced in response to their Motion for Summary Judgment. To the contrary, we believe it is important that a hearing be held with the Court to discuss the issues raised. We are frankly puzzled at representations made by the County Defendants and would welcome the opportunity to explore many of those issues with the Court at a hearing. They are essentially blaming the Medical Defendants for their own behavior and then asking that we not be allowed to demonstrate the falsity of the allegations made against us. The briefing provided by the County Defendants seems to ignore and sometimes even defy the testimony and evidence that we all know exists.

First, the county Defendants argue that we should not be allowed to reply at all. They acknowledge there is no precedent in the 8th Circuit. They then discuss the rule, which specifically says that an adverse party has an opportunity to serve and file a memorandum in response. The issue and only descriptor here is an “adverse” party. While we again find no specific authority in the 8th circuit as to the limits of “adverse” party as defined in the rule, the County Defendants clearly extoll a position that is directly adverse to the Medical Defendants and spend nearly their entire Memorandum blaming the Medical Defendants as a way to excuse their own behavior.

Finally, they ask the Court not to believe its own eyes and ears with the surveillance video that the County Defendants themselves produced in discovery. They do not argue it is false or inaccurate but instead imply we had no right to uncover what we now know has always been present. The argument is tantamount to the Wizard of Oz line: “Pay no attention to the man behind the curtain.” The dialogue of our own people has no bearing on what we knew or thought – particularly when it is directly contrary to the representations we have made to the Court.

We feel it would be very helpful to the Court to have a hearing and discuss what exactly happened on the day in question, – the facts and the evidence here deserve to be discussed.

Dated this 17th of February, 2025

/s/ Randall Hanson

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